

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ISO-00 PM-04 NSC-05 SP-02 SS-15 H-01
CIAE-00 INR-07 NSAE-00 DODE-00 PRS-01 SCS-03
SCA-01 INSE-00 JUSE-00 PPT-01 /054 W
-----070238 160202Z /61

R 151517Z JUL 77
FM AMEMBASSY LUSAKA
TO SECSTATE WASHDC 6129
INFO AMEMBASSY GABORONE
AMEMBASSY MAPUTO
AMEMBASSY PRETORIA

C O N F I D E N T I A L LUSAKA 2055

E.O. 11652: GDS
TAGS: PDEV US RH
SUBJ: CLARIFICATION OF U.S. LAW ON ENLISTMENT IN FOREIGN
MILITARY SERVICE

1. THE PRESENCE OF AMERICAN CITIZENS SERVING IN THE RHODESIAN
SECURITY FORCES IS BECOMING INCREASINGLY
CONTENTIOUS ISSUE IN OUR CONTACTS WITH RHODESIAN NATIONALIST
GROUPS AND GRZ OFFICIALS. IN ADDITION TO THIS SORE POINT IN SOME
AFRICAN PERCEPTIONS OF U.S. ACTIONS IN THIS PART OF THE WORLD,
EMBASSIES IN STATES NEIGHBORING RHODESIA HAVE ALREADY BEEN
CONFRONTED WITH AMERICAN DESERTERS FROM SMITH'S ARMY. AS THE
GUERRILLA WAR CONTINUES, MORE DESERTIONS, AS WELL AS CASUALTIES,
MAY BE EXPECTED.

2. EMBASSY WOULD APPRECIATE DEPT CLARIFICATION ON
POINT OF U.S. LAW REGARDING OUR CITIZENS JOINING A FOREIGN
MILITARY SERVICE. IT SEEMS TO US THAT PAST DISCUSSION
HAS EVOLVED AROUND LEGAL CONSEQUENCES ARISING FROM
POSSIBLE VIOLATION OF IMMIGRATION AND NATIONALITY ACT.
EMBASSY WISHES TO DRAW ATTENTION TO SECTION 959(A) OF
TITLE 18 IN U.S. CODE: "WHOEVER, WITHIN THE UNITED
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STATES, ENLISTS OR ENTERS HIMSELF, OR HIRES OR RETAINS
ANOTHER TO ENLIST OR ENTER HIMSELF, OR TO GO BEYOND THE
JURISDICTION OF THE UNITED STATES WITH INTENT TO BE
ENLISTED OR ENTERED IN THE SERVICE OF ANY FOREIGN PRINCE,
STATE, COLONY, DISTRICT, OR PEOPLE AS A SOLDIER OR AS A
MARINE OR SEAMAN ON BOARD ANY VESSEL OF WAR, LETTER
OF MARQUE, OR PRIVATEER, SHALL BE FINED NOT MORE THAN

\$1,000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH."
BY OUR READING, 959 IS AT VARIANCE WITH STATEMENT BY
DEPARTMENT OF JUSTICE SPOKESMAN BEFORE CONGRESS AS
REPORTED UNDER MARCH 16, 1977 DATELINE IN WIRELESS:
"IT IS NOT UNLAWFUL FOR A CITIZEN OR OTHER PERSON IN THE
UNITED STATES TO LEAVE THE COUNTRY WITH THE INTENT TO
ENLIST IN A FOREIGN MILITARY SERVICE."

3. ACTION REQUESTED: PLEASE RECONCILE SECTION 959 WITH
JUSTICE STATEMENT AND CLARIFY U.S. LAW PERTAINING TO
CITIZEN LEAVING U.S. WITH INTENT TO JOIN FOREIGN MILITARY
SERVICE.
CLINGERMAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ENLISTMENT, MILITARY LAW, MERCENARIES
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977LUSAKA02055
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770253-0610
Format: TEL
From: LUSAKA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770753/aaaabtzk.tel
Line Count: 75
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2c4dc06a-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1850505
Secure: OPEN
Status: NATIVE
Subject: CLARIFICATION OF U.S. LAW ON ENLISTMENT IN FOREIGN MILITARY SERVICE
TAGS: PDEV, US, RH
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/2c4dc06a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009